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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 CRAIG R. SMITH,

8 Plaintiff(s),

Case No. 2:17-CV-2092 JCM (NJK)

ORDER

9 v.

10 NANCY A. BERRYHILL,

11 Defendant(s).

12
13 Presently before the court is Magistrate Judge Koppe's report and recommendation
14 ("R&R") in the matter of *Smith v. Berryhill*, case number 2:17-cv-02092-JCM-NJK. (ECF No.
15 25). No objections have been filed, and the deadline for doing so has passed.

16 Upon considering plaintiff's motion to remand to the Social Security Administration (ECF
17 No. 19) and the commissioner's countermotion to affirm (ECF No. 22), Magistrate Judge Koppe
18 concluded that the administrative law judge ("ALJ") did not err in partially rejecting plaintiff's
19 pain and symptom testimony. (ECF No. 25 at 7, 14). Because the ALJ's rejection of plaintiff's
20 testimony is the single issue on appeal before the court, Magistrate Judge Koppe recommended
21 plaintiff's motion to remand be denied, and the commissioner's countermotion to affirm be
22 granted. *Id.* at 14.

23 This court "may accept, reject, or modify, in whole or in part, the findings or
24 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
25 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
26 determination of those portions of the [report and recommendation] to which objection is made."
27 28 U.S.C. § 636(b)(1).
28

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

Nevertheless, this court conducted a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to adopt the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Koppe's report and recommendation (ECF No. 25) are ADOPTED in their entirety.

IT IS FURTHER ORDERED that plaintiff's motion to remand (ECF No. 19) is DENIED.

IT IS FURTHER ORDERED that the commissioner's countermotion to affirm (ECF No. 22) is GRANTED.

The clerk of court is instructed to enter judgment accordingly and close the case.

DATED November 1, 2018.

James C. Mahan
UNITED STATES DISTRICT JUDGE